In response to the Office Action, dated October 5, 2004, Applicants thank the

Examiner for accepting the information disclosure statement.

Additionally, Applicants respectfully request reconsideration of the prior art rejections

set forth by the Examiner under 35 U.S.C. § 103. Applicants submit that the references of

record whether considered alone or in combination fail to either teach or suggest Applicants'

presently claimed invention.

Applicants have modified all the independent claims to specify that the EPG

presentation is selectively modified by actually modifying the visual display of the EPG data.

This advantageously provides a user or a broadcaster with the ability to selectively change the

appearance of the EPG data based on desired preferences such as, for example, font size or

style. The present invention is far superior to the present systems which provide limited

options such as adding mattes over the existing presentation to alter appearances. There is

simply no teaching or suggestion whatsoever concerning the ability to actually modify the

interface of an EPG itself.

Connelly, U.S. Patent No. 6,144,376, is directed to systems and methods which merge

PC content listings such as information pertaining to websites with TV program listings to

display both using the familiar TV program guide interface. Col. 2, lines 14-28. More

specifically, Connelly discloses that at least one PC content listing is formatted into a TV

content listing format and thereafter, is either displayed in the TV listing format or merged

with standard TV program listings for display. Col. 4, lines 32-39. The PC content listing

may include links to web pages, message management systems, etc. Col. 4, lines 39-42. The

channels listed are predetermined by the cable TV provider and the user merely selects the

content and corresponding channels that he wishes to include in his or her personalized

listing. Col. 6, lines 11-13. Most importantly Connelly does not provide any teaching or

suggestion whatsoever that an EPG presentation including actual EPG data may be

selectively modified by a user.

Gibbs et al., U.S. Patent No. 6,292,187, is directed to systems and methods which

allow insertion of "visual effects" into an existing broadcast application without the need to

modify, recompile, or reverse engineer the broadcast application. Col. 2, lines 27-30. More

specifically, Gibbs et al. discloses inserting mattes which alter the appearance of components

and elements of a user interface. Col. 7, lines 1-3. Gibbs et al. discloses a user interface

comprising a et of hierarchical components wherein each component is associated with an

element of the user interface. Col. 6, lines 36-40. Each component and element may have

mattes of same size associated therewith to provide some control over the look of the user

interface. Col. 7, lines 8-33. However, this is substantially different from the present

invention which modifies the actual EPG elements themselves. Most importantly, this

reference is directed to modifications of the EPG by someone other than the user and

therefore the combination of references will not result in the subject matter of the instant

invention.

In addition, Matthews III et al., U.S. Patent No. 5,724,492, discloses a system which

displays a plurality of panels, with the plurality of panels joined together so that the object

has a three-dimensional appearance. Col. 3., lines 56-60. Mathews III et al. discloses that

effects such as three-dimensional transitional effects may be achieved using texture mapping

and employing three-dimensional graphics and animation. Col. 15, lines 47-51. Animation

may be achieved using pre-rendered transitions or dynamic generation using threedimensional models and drawing routines. Col. 15, lines 51-58. However, these transitions

and other effects are simply provided to provide the appearance of three-dimensional

representation. Col. 17, lines 47-51. Mathews III et al. neither teaches nor suggests that a

user or a broadcaster may selectively change the presentation, including attributes, of EPG

elements themselves.

Slivka et al., U.S. Patent No. 6,061,695, is directed to an operating system shell which

synthesizes a hypertext page with a graphical icon-oriented and menu-driven user interface

for display as a desktop page. Col. 3, lines 14-23. Slivka et al. notes that packaged

enhancements called "themes" can be used to alter the appearance and feel of a graphical user

interface. Col. 2, lines 35-40. Slivka et al. goes on to note, however, that the themes provide

only limited multi-media content enhancements to the desktop by changing the graphics of

the my computer, network neighborhood, and recycling bin icons. Col. 2, lines 48-52.

Nonetheless, Slivka et al. simply does not teach or suggest that an electronic program guide

presentation may be selectively modified by morphing the EPG.

Moreover, Applicants note that combining references in order to defeat patentability

has not been allowed by the Federal Courts unless evidence of a teaching or suggestion of

such a combination is present. The U.S. Court of Appeals for the Federal Circuit held in

Dembiczak that "Combining prior art references without evidence of such a suggestion,

teaching, or motivation simply takes the inventor's disclosure as a blueprint for piecing

together the prior art to defeat patentability." In re Dembiczak, 50 USPQ2d, 1614, 1617

(1999). In this case, there is no suggestion or motivation for the combination of the cited

references.

including a broadband receiver to receive data stream constituting a command and a displayable indicia associated with the command. Col. 2, lines 15-27. More specifically, Kikinis provides that especially marked HTML pages are transmitted with one or more unique tags that convey commands to the set-top box to accomplish a number of unique

Kikinis, U.S. Patent No. 6,205,485, is directed to a multimedia broadcast system

unique tags that convey commands to the set top con to accompany

functions. Col. 4, lines 38-43. For example, one such command-bearing tag causes links to

be displayed, which when selected cause the system to change channels. Col. 4, lines 44-48.

Nonetheless, Kikinis neither teaches nor suggests that a presentation of an EPG may be

changed by a user or a broadcaster.

Borsuk, U.S. Patent No. 5,233,333, is directed to a portable unit having the display screen capable of displaying text in varying font sizes. In addition, Borsuk discloses a device

which converts text to audio for the blind. However, Borsuk simply does not disclose that an

EPG presentation may be selectively modified by a user.

Additionally, as Applicants noted above, combining references in order to defeat

patentability has not been allowed by the Federal Courts unless evidence of a teaching or

suggestion of such a combination is present. The U.S. Court of Appeals for the Federal

Circuit held in Dembiczak that "Combining prior art references without evidence of such a

suggestion, teaching, or motivation simply takes the inventor's disclosure as a blueprint for

piecing together the prior art to defeat patentability." In re Dembiczak, 50 USPQ2d, 1614,

1617 (1999). In this case, there is also no suggestion or motivation for the combination of the

cited references.

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The references of record fail to teach or suggest these advances in the art. Accordingly, in light of the foregoing, Applicants respectfully submits that all claims now stand in condition for allowance.

Respectfully submitted,

Date: April 5, 2005

Robert J. Depke

HOLLAND & KNIGHT LLC 131 S. Dearborn, 30<sup>th</sup> Floor

Chicago Illinois 60603

Tel: (312) 263-3600 Attorney for Applicant

Appl. Amdt Reply

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## **CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States

Postal Service as Express Mail on April 5, 2005 in an envelope addressed to:

Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

Attorney for Applicants

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